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10/749,623	12/30/2003	Ingo Zenz	6570P019	8235

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SAP/BLAKELY  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER
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MADAMBA, GLENFORD J

ART UNIT	PAPER NUMBER
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2151

MAIL DATE	DELIVERY MODE
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11/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/749,623

**Applicant(s)**

ZENZ ET AL.

**Examiner**

Glenford Madamba

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. This action is in response to remarks and claim amendments filed by Applicant's representative on September 18, 2007.

### ***Response to Remarks and Amendments***

2. Applicant's remarks and claim amendments filed on September 18, 2007 have been considered but are now moot in light of the new grounds of rejection provided with this action.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al, U.S. Patent US 7,185,071 in view of Pace et al (hereinafter Pace), U.S. Patent 7,181,731

As per Claims 1, 8, 15 and 16, Berg in view of Pace discloses a method for starting a group of enterprise servers [Figure 6] comprising:

comparing binaries and/or configuration settings (e.g., "deployment descriptor / configuration file) [col 1, L40-45] (application configuration version / snapshot) [Abstract] stored within a local file system of each enterprise server with binaries and/or configuration settings stored within a central database (e.g., database) accessible to the group of enterprise servers to identify any binaries and/or configuration settings stored within the local file system which are out-of-date (e.g., updating current configuration or reverting to previous configuration) [Abstract] [col 2, L1-42] as compared to the binaries and/or configuration settings stored within the central database ;

if the binaries and/or configuration settings stored within the local file system are out-of-date, then updating the binaries and/or configuration settings from the central database to the local file system prior to starting each enterprise server (e.g., updating current configuration or reverting to previous configuration) [Abstract] [col 2, L1-42] [col 3, L1-6] [col 4, L64 – col 5, L7]; and

starting each enterprise server using the updated binaries and/or configuration settings (start\_218 / restart\_216) [col 5, L8-18] [Fig. 2] [col 3, L1-6].

Further, while Berg discloses substantial features of the invention as above, the additionally recited features of a group of enterprise servers and a central database accessible to the group of enterprise servers and whether the binaries and configuration settings in local file systems of each of the enterprise servers are compared to those stored in a central database to determine whether they are out-of-date is more expressly disclosed by Pace, in a related endeavor.

Pace discloses as his invention a component distribution server (CDS) system according to the present invention, connected to at least one network through at least one respective network interface, includes: a package specification process that receives at least one package, the packages being subparts of at least one application program from at least one enterprise information system (EIS)[col 9, L17-24].

Pace additionally discloses as part of his invention an exemplary embodiment of a computer server according to the present invention includes: an arrangement configured to receive at least one package from at least one enterprise information system (EIS), the packages being subparts of at least one application program, the packages having at least one asset, each asset having an asset type and at least two asset layers, a first asset layer being a logic/data layer and a second asset layer being an extended environment layer, the logic/data layer having information that includes a function of the asset and the extended environment layer being a subset of the EIS and having portions of the EIS necessary to support the respective logic/data layer; an arrangement configured to translate at least one of the asset layers so that the asset can perform the asset function on at least one target base environment of at least one

target computer; and an arrangement configured to change at least one of the layers of the asset in order to provide specific information for at least one specific target computer [col 9, L59 – col 10, L9].

In particular, Pace discloses the additionally recited features of a group of enterprise servers and a central database (e.g., EIS DBMS)/database) [col 11, L45-64] [Fgi. 15b] accessible to the group of enterprise servers (e.g., Enterprise Information System "EIS") [col 3, L30-60] [Figs. 9 & 10] and whether the binaries and configuration settings (i.e., "program code" / configuration parameters) in local file systems of each of the enterprise servers are compared to those stored in a central database to determine whether they are out-of-date (e.g., "versioning" / timestamp) [col 11, L45-64] [col 12, L41-57] [col 13, L11-26] (e.g. Refresh Rate) [Figs. 5, 6, 10, 12, 13i-j, 14b, 15b-c & 28f ].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the above additionally recited features, as disclosed by Pace, for the motivation of providing a system and method for translating an asset for distribution to a multi-tiered network node [col 12, L41-43].

Claims 8 and 15 recite the same features as claim 1, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 7, 14 and 21, Berg discloses the method as in claim 1 wherein the servers within the group comprise Java 2 Enterprise Edition ("J2EE") servers [col 1, L24].

Claims 14 and 21 recite the same features as claim 7, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 2 and 9, Berg in view of Pace discloses the method as in claim 1 further comprising:

generating a list of servers within the group to be started based on server layout information retrieved from the central database, the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group.

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of generating a list of servers within the group to be started based on server layout information retrieved from the central database. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component distribution server (CDS) system according to the present invention, connected to at least one network through at least one respective network interface, includes: a package specification process that receives at least one package, the packages being

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subparts of at least one application program from at least one enterprise information system (EIS), the packages having at least one asset, each asset having an asset type and at least two asset layers, a first asset layer being a logic/data layer and a second asset layer being an extended environment layer, the logic/data layer having information that includes a function of the asset and the extended environment layer being a subset of the EIS and having portions of the EIS necessary to support the respective logic/data layer; a process adapter process that translates at least one of the asset layers so that the asset performs the asset function on at least one target base environment of at least one target computer; and a target process that changes the at least one of the layers of the asset in order to provide specific information for at least one of the specific target computers, whereby a transformed asset is an asset that is translated by the process adapter process and changed by the target process [col 9, L18-40].

In particular, Pace discloses the additional feature of generating a list of servers within the group to be started based on server layout information retrieved from the central database [Figures 7 & 8] [col 32, L4-9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the above additionally recited features, as disclosed by Pace, for the motivation of providing a system and method for translating an asset for distribution to a multi-tiered network node [col 12, L41-43].

Claim 9 recites the same features as claim 2, is distinguished only by their statutory category, and thus rejected on the same basis.



As per Claims 3, 10 and 17, Berg in view of Pace discloses the method as in claim 2 wherein said layout information is defined by a configuration hierarchy (configuration network "tiers" / layers) stored within a hierarchical data object in the central database [pace: Fig. 9].

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of the method wherein said layout information is defined by a configuration hierarchy (configuration network "tiers" / layers) stored within a hierarchical data object in the central database [pace: Fig. 9]. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component distribution server (CDS) system according to the present invention, connected to at least one network through at least one respective network interface, includes: a package specification process that receives at least one package, the packages being subparts of at least one application program from at least one enterprise information system (EIS), the packages having at least one asset, each asset having an asset type and at least two asset layers, a first asset layer being a logic/data layer and a second asset layer being an extended environment layer, the logic/data layer

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having information that includes a function of the asset and the extended environment layer being a subset of the EIS and having portions of the EIS necessary to support the respective logic/data layer; a process adapter process that translates at least one of the asset layers so that the asset performs the asset function on at least one target base environment of at least one target computer; and a target process that changes the at least one of the layers of the asset in order to provide specific information for at least one of the specific target computers, whereby a transformed asset is an asset that is translated by the process adapter process and changed by the target process [col 9, L18-40].

In particular, Pace discloses the additional feature of the method wherein said layout information is defined by a configuration hierarchy (configuration network "tiers" / layers) stored within a hierarchical data object in the central database [pace: Fig. 9] [Figures 7 & 8] [col 32, L4-9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the above additionally recited features, as disclosed by Pace, for the motivation of providing a system and method for translating an asset for distribution to a multi-tiered network node [col 12, L41-43].

Claims 10 and 17 recite the same features as claim 3, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 4, 11 and 18, Berg in view of Pace discloses the method as in claim 3 wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the sever nodes, and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes [col 6, L50-62].

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of the method wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the sever nodes, and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component distribution server (CDS) system according to the present invention, connected to at least one network through at least one respective network interface, includes: a package specification process that receives at least one package, the packages being subparts of at least one application program from at least one enterprise information system (EIS), the packages having at least one asset, each asset having an asset type

and at least two asset layers, a first asset layer being a logic/data layer and a second asset layer being an extended environment layer, the logic/data layer having information that includes a function of the asset and the extended environment layer being a subset of the EIS and having portions of the EIS necessary to support the respective logic/data layer; a process adapter process that translates at least one of the asset layers so that the asset performs the asset function on at least one target base environment of at least one target computer; and a target process that changes the at least one of the layers of the asset in order to provide specific information for at least one of the specific target computers, whereby a transformed asset is an asset that is translated by the process adapter process and changed by the target process [col 9, L18-40].

In particular, Pace discloses the additional feature of the method wherein the hierarchical data object comprises a global sub-hierarchy and a non-global sub-hierarchy, the global sub-hierarchy containing configuration data and binaries associated with all of the sever nodes (global distribution of components, modules, or functions) [col 6, L50-62], and and the non-global sub-hierarchy containing the layout information, configuration data and binaries associated with particular server nodes [col 6, L50-62].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the above additionally recited features, as disclosed by Pace, for the motivation of providing a system and method for translating an asset for distribution to a multi-tiered network node [col 12, L41-43].

Claims 11 and 18 recite the same features as claim 4, are distinguished only by their statutory category, and thus rejected on the same basis.

As per Claims 6, 13 and 20, Berg in view of Pace discloses the method as in claim 5 wherein the instance of enterprise servers comprises at least one dispatcher and two or more server nodes [Pace: Figs. 9 & 10].

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of the method wherein the instance of enterprise servers comprises at least one dispatcher and two or more server nodes [Pace: Figs. 9 & 10]. The feature is disclosed by Pace in a related endeavor.

Pace discloses as his invention an exemplary embodiment of a component distribution server (CDS) system according to the present invention, connected to at least one network through at least one respective network interface, includes: a package specification process that receives at least one package, the packages being subparts of at least one application program from at least one enterprise information system (EIS), the packages having at least one asset, each asset having an asset type and at least two asset layers, a first asset layer being a logic/data layer and a second asset layer being an extended environment layer, the logic/data layer

having information that includes a function of the asset and the extended environment layer being a subset of the EIS and having portions of the EIS necessary to support the respective logic/data layer; a process adapter process that translates at least one of the asset layers so that the asset performs the asset function on at least one target base environment of at least one target computer; and a target process that changes the at least one of the layers of the asset in order to provide specific information for at least one of the specific target computers, whereby a transformed asset is an asset that is translated by the process adapter process and changed by the target process [col 9, L18-40].

In particular, Pace discloses the additional feature of the method wherein the instance of enterprise servers comprises at least one dispatcher and two or more server nodes [Pace: Figs. 9 & 10].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the above additionally recited features, as disclosed by Pace, for the motivation of providing a system and method for translating an asset for distribution to a multi-tiered network node [col 12, L41-43].at one or more of the clients [col 34, L47-57].

Claims 13 and 20 recite the same features as claim 6, is distinguished only by their statutory category, and thus rejected on the same basis.

3. Claims 5, 12 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al, U.S. Patent US 7,185,071 in view of Pace et al (hereinafter Pace), U.S. Patent 7,181,731, and in further view of Ashworth et al (hereinafter Ashworth), U.S. Patent 7,039,247.

As per Claims 5, 12 and 19, Berg in view of Pace and in further view of Ashworth discloses the method as in claim 1 wherein the group of enterprise servers comprises an instance of enterprise servers.

While Berg discloses substantial features of the invention, including the server layout information uniquely identifying each server in the group and/or parameters associated with each server in the group ("loose configuration" / Enterprise Archive {EAR} file) [col 1, L35] [Figure 6], he does not explicitly disclose the additional feature of the method wherein the group of enterprise servers comprises an instance of enterprise servers. The feature is disclosed by Ashworth in a related endeavor.

Ashworth discloses as his invention methods for managing installation of a set of data processing components. An installation manager program allows users to specify which of a set of predefined functional roles are to be implemented on which of their data processing systems and then the installation program automates installation of the set of data processing components which correspond to the specified roles [Abstract]. In particular, Pace discloses the additional feature of the method wherein the group of enterprise servers comprises an instance of enterprise servers [col 11, L6-30].

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It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine and/or modify Berg's invention with the additional feature of the method wherein the group of enterprise servers comprises an instance of enterprise servers, as disclosed by Ashworth, for the motivation of avoiding undesirable duplication of components and yet to ensure that all of the required processing components are available on that system [col 4, L46-60].

Claim 12 and 19 recite the same features as claim 5, are distinguished only by their statutory category, and thus rejected on the same basis.

### ***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.06(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenford Madamba whose telephone number is 571-272-7989. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Wallace Martin can be reached on 571-272-3440. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**JOHN FOHLANSBEE**  
**SUPERVISORY PATENT EXAMINER**  
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Glenford Madamba  
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Art Unit 2151